MUNICIPAL AFFAIRS.

PROGRESS OF THE MUNICIPAL REVOLUTION.

THE LIQUOR DEALERS AND THE SUNDAY LAW—VIOLATIONS OF THE LAW ON SUNDAY LAST—NEW STREET SWEEPING MACHINES—REPORTS OF THE PEOPLE ON VARIOUS SUBJECTS.

A few of the liquor dealers still continue to act in defiance of the orders of the Mayor, by keeping their stores open on Sunday. Some have had their licenses revoked; but if the Board of Excise of each ward refuse to concur with him in enforcing the penalty, it will be impossible to enforce the law throughout the city. It will be seen from the following table, showing the number who kept open on Sunday, that the Mayor was unable to revoke the licenses in the Fourth and Sixth wards, in consequence of the refusal of the Aldermen and Councilmen, who, with the Mayor, constitute the Board of Excise of each ward, to co-operate with him:—

Ward.		Ward.	
1	3	13	None.
2	1	14	1
3	1	15	None.
4—(Mayor can't revoke)	16	16	None.
5	2	17	1
6—(Mayor can't revoke)	4	18	1
7	None.	19	None.
8	None.	20	1
9	None.	21	None.
10	None.	22	2
11	4		—
12—None; all out of town hotels.		Total	37

A NEW STREET SWEEPER.

New street cleaning machines have been shipped from Philadelphia, and will shortly arrive. They will be tested as soon as the state of the filth will permit, it being so hard at present, in consequence of the frost, that it would be impossible to operate with the new invention. The machines will first be put in operation in the Second ward; and if found to be serviceable, the whole city will receive the benefit to be derived from them.

WHAT THE PEOPLE SAY.

That the ash carts have failed to remove the ashes in front of 25 Fulton street.

That the pump on the corner of Grove and Bedford street is a nuisance, as the handle projects over the sidewalk so far that it is dangerous and an encumbrance.

That the stables on the vacant lots fronting St. Mark's place are a great nuisance, and that the neighbors suffer much annoyance from the stench and noise thereof.

That the sidewalk in front of 142 Cedar street is constantly obstructed with goods, to the great inconvenience of pedestrians.

That the street and sidewalk in front of 218 Bowery, is constantly blocked up with old casks, boxes, wagons and all sorts of imaginable trash, to the great inconvenience of travel.

That the coal hole in front of 193 East Twenty-second street has no covering on it, and that it is very dangerous.

That the lot on the northwest corner of Twenty-second street and Seventh avenue is not fenced in, and that all manner of nuisances are there committed.

That Catherine street, from Oak to South streets, is in a dangerous condition, and that the stages are continually being damaged in consequence of the ice and dirt which has not been removed from it.

That the New York and Harlem Railroad Company are in the practice of shovelling all the snow and ice between Elizabeth street and the Bowery, in Broome street, rendering it impassible; and also that the said company have, by raising Broome street, between Centre and Elizabeth, above the original grade, made it not only dangerous to horses, but to the lives of persons going through it. Jennings & Co. have had five of their stages broken in consequence of its condition. Jennings also complains that said company have not complied with the orders of the Common Council in laying a grooved rail through Broome street, as directed by that body.

That liquor store, corner of Sixth avenue and Twentieth street, was kept open on Sunday the 4th inst., and that several persons came out of the store with liquor during the day.

That the sidewalk is raised so high in Sixth avenue, from the corner of Sixth avenue to Fourth street, that water overflows property in that avenue.

Mrs. Ann Maher complains that her husband treats her brutally, threatening to turn her and her infant children into the street.

BOARD OF ALDERMEN.

The Board held the first meeting of the February session last evening, Isaac O. Barker, Esq., President, in the chair. The minutes were read and approved.

PETITIONS REFERRED.

The petitions of several parties to have the new City Hall built in Madison square; of J. G. Harimyer, to be appointed clerk and interpreter of the Fourth district police court; of Engine Company 33, to have the engine lately used by Engine Company 18 assigned to them; the petitions of several parties to be relieved from erroneous taxation; the petition of John Tryon, for leave to exhibit the great California tree in the Park.

INVITATION.

An invitation from W. B. Moffatt, for the Committee on Building to visit the Moffatt buildings, Broadway, was received and accepted.

SOUTH FERRY ACCOMMODATION—THE MONOPOLY COMPANY.

Alderman Fox offered the following:—

Resolved, That the Union Ferry Company be instructed by this Board to run a boat from the ferry foot of Catharine street, every ten minutes from 9 o'clock P. M. until 12 o'clock, and every hour from then until 4 o'clock A. M. Referred to the Committee on Ferries.

Alderman Baird offered the following:—

Resolved, That the Union Ferry Company be directed to run their boats on the Hamilton avenue ferry every quarter of an hour after 9 o'clock P. M. up to 1 o'clock at night, and that they commence running at 4 o'clock A. M. Referred to Committee on Ferries.

A KNOW NOTHING MOVEMENT—OF WHOM ARE THE POLICE COMPOSED?

Alderman Briggs, Thirteenth ward, offered the following resolution, and, in doing so, he said he thought it was high time that they should know to whom the care of our lives and property were entrusted:—

Resolved, That George W. Matsell, Chief of Police, report as soon as possible to this body how many Americans, Irishmen, Scotchmen, Englishmen, and of all other nations, there are in the Police Department of this city; also, how many of the present policemen have been in the prisons of the United States and of other countries; also, how many of the present policemen have been naturalized, and how many have been in this country less than five years; also, by whom all the members of the present Police Department of this city were appointed.

Alderman Howard moved that the resolution lay on the table. On which motion there appeared affirmatives 9—Brown, First ward; Williamson, Second ward; Baird, Fourth ward; Hoffmire, Fifth ward; H Howard, Sixth ward; Jas. Steers, Eleventh ward; John Kelly, Fourteenth ward; Herrick Nineteenth ward; Varian, Twenty-first ward. Nays, 12—Moser, Third ward; Fox, Seventh ward; Wm. Tucker, Eighth ward; Voorhis, Ninth ward; Trowbridge, Tenth ward; Wakeman, Twelfth ward; Briggs, Thirteenth ward; the President, Fifteenth ward; Christie, Sixteenth ward; Ely, Seventeenth ward; Lord, Eighteenth ward; C. H. Tucker, Twentieth ward. Absent—Drake, Twenty-second ward.

The main question being put for the adoption of the resolution, it was adopted by a vote of 13 to 8. Affirmative—Williamson, Moser, Fox, Wm. Tucker, Voorhis, Trowbridge, Wakeman, Briggs, the President, Christy, Ely, Lord, C. H. Tucker. Negative—Brown, Baird, Hoffmire, Howard, Steers, Kelly, Herrick, Varian.

PAPERS CONCURRED IN.

The report of the Committee on Ordinances—In favor of concurring with the Board of Councilmen in an ordinance providing for the licensing express wagons; of Committee on Sewers—In favor of concurring with the Councilmen in rescinding ordinance for a sewer in 118th street, between Third and Fourth avenues; of same—In relation to sewer in Forty-eighth street, between Eleventh avenue and Hudson street; report of the Committee of the Fire Department—Concurring with the Board of Councilmen to build a new carriage for Hose Company 25; Report of Committee on Police—Concurring to pay Dr. Lodge for medical attendance at Seventh district police station; report of the Committee on Fire Department—Adverse to the petition of Geo. W. Whitehead, to be reinstated in the Fire Department; of same—concurring with the Councilmen to repair house of Engine Company No. 4; of same—non-concurring with the Board of Councilmen to purchase ten additional feet of ground for Engine Company No. 20, and in favor of purchasing a full lot; of same—in favor of concurring with the Councilmen to build an iron bell tower in Twenty-fifth street, between Second and Third avenues; the report of the Committee on Sewers—in favor of concurring with the Councilmen to construct a sewer in Second street, from the westerly side of First avenue to the Bowery.

Adjourned to Thursday next, at 5 o'clock.

BOARD OF COUNCILMEN.

FEB. 5.—The Board met for the first time this month. D. D. Conover, Esq., President, in the Chair. The minutes of the last meeting were read and approved.

PETITIONS RECEIVED.

Of P. Coyle—To be paid the amount due on his contract for cleaning the streets of the Second, Fourth and Sixth wards.

Of Alfred Lagran and others—To add one hundred feet to the pier at the foot of Harrison street.

Of divers persons—Praying an investigation of the matter of curbing, guttering, &c., Eighty third street.

Of divers persons—To have New City Hall in Madison Square. (Several petitions.)

To remove dumping boards from foot of Vesey street, North river.

For remuneration for bricks taken from Beekman street by Geo. G. Glazier, in disregard of permit previously obtained by petitioner from Commissioner of Streets.

To lay Croton water pipe in Eighty-fourth street.

For dock at the foot of Forty-seventh street, East river.

To build a market in the vicinity of Gansevoort or Fourteenth street, North river.

To have sunken lots filled between Twelfth and Thirteenth streets, North river.

For a fire bell at the junction of the Third and Fourth avenues, in the city of New York.

Asking that the Tompkins line of stages may be compelled to run the whole length of their route.

Against proposed change in lighting the streets. (Several petitions.)

Of Hose Co. No. 9—For a new hose.

Of Engine Co. No. 33—To have their house altered.

For a sewer in Mott street.

To appropriate a slip for the exclusive use of the branch pilots of this port.

Of Richard Gambling—To be paid $57 72 for his services as policeman.

Of trustees of Presbyterian church in Fifth avenue, corner of Nineteenth street—For two street lamps in front of church in Seventh avenue, near Eighteenth street.

To flag Twenty-second street, between Sixth and Seventh avenues.

To lay a crosswalk in front of Twenty-third street Presbyterian church.

Of Edward Hopper—To be paid $144 for services as street inspector.

Of C. Ackerman—To be paid $86 40 for services as policeman.

Of Wm. Denecker and J. B. Dinglidur—For the exclusive privilege of carrying away all the dead animals and butchers' offals at their own expense, for the term of ten years.

Of the pastor and clerk of the First Baptist Mariners' Church—To be relieved from assessment on said church.

Of residents—To have Madison square improved.

RESOLUTIONS.

That it be referred to Committee on Wharves, Piers and Slips to inquire into and report upon the expediency of extending and repairing pier at the foot of Fifth street, East river, and also as to the probable amount that said extension and repairs would cost. Referred.

To take up railroad track of Hudson River Railroad Company from Chambers street to Thirty-first street, on the ground of its being dangerous; and that the company have not substituted new rails, pursuant to law. Referred.

To have Catherine street paved with iron or with the Belgian pavement.

That the Street Commissioner notify the Catherine street Ferry Company to remove piles in the slip between piers Nos. 34 and 35. Referred.

To have pier No. 34, at the foot of Hammond street, repaired. Referred.

To remove incumbrances from pier No. 39 East river. Referred.

That receiving basins and culverts be built at the E. and S. E. corners of Beach, Vestry and Laight streets, on West street, under the direction of the Croton Aqueduct Department. Referred.

That the committee on celebrating Washington's birth day be requested not to furnish any spirituous liquors for that occasion. Laid on table.

Calling for information from the Comptroller in relation to contract in Eighty-third street. Adopted.

For grooving the Russ pavement where not already grooved. Referred.

To refer to the Committee on Lands and Places that they may enquire and report whether any further action is necessary on the part of the Common Council to secure the opening, &c., of the ground between Third and Fourth avenues and Sixth and Seventh streets, as and for a public square. Referred.

Directing the Counsel of the Corporation to draft a law to authorize the city to raise a loan for building the new City Hall. Adopted.

To purchase the Crystal Palace for market purposes. Referred.

Appropriating $300, and directing the Chief Engineer to make an exhibition of the steam fire engine. Adopted.

That it be referred to Committee on Ordinances to report upon the propriety of adopting an ordinance to prevent the driving of cattle and swine through the streets south of Forty second street. Referred.

To prevent the slaughtering of animals below Fifteenth street. Referred.

REPORTS.

Of Committee on Finance—On memorial of working men, submitting the following resolutions:

That this Board deeply and feelingly sympathizes with the sufferings and distress of those industrious mechanics and workingmen now out of employ, and that it regrets its inability to meet the call upon it for permanent and enduring relief. That the Committee on Finance be, and they are hereby, discharged from the further consideration of the petitions and memorial annexed, as the measures required to be adopted by them are unconstitutional, inexpedient, unwise, and unjust. Referred to the Committee of the Whole, and ordered to be printed in pamphlet form.

Numerous other reports were presented, and referred to the Committee of the Whole.

COMMUNICATIONS.

Communications were received from the Commissioner of Streets and Lamps—one on the contracts for cleaning streets, and the other submitting for the action of the Common Council that the report of the Commissioners for opening 122d street, from Third to Fourth avenue, had been duly confirmed by the Common Council. Referred.

From the Bureau of Assessments, with accompanying assessment lists, asking that the same may be confirmed and a collector appointed therefor. Referred.

From the Comptroller—In reply to resolution of inquiry relating to paving Bowery, &c. Laid on the table, and ordered to be printed.

The Board then adjourned to Wednesday afternoon.

BOARD OF SUPERVISORS.

FEB. 5.—His Honor Mayor Wood in the chair. The minutes of the last meeting were read and approved.

BILLS PAID.

The following bills were ordered to be paid:—

To the Bloomingdale Asylum, for boarding Ann E. Smith for one year	$212 70
To Dennis Flynn and others, for copying in the office of the County Clerk	726 00
To John S. Molloy, for copying indexes	113 40
To John Adley, Jun., for do	115 20
To John Paynter, for do	92 30
To Sunday newspapers, for publishing statement of the Clerk of this board—$40 25 each	120 75
To C. Whittaker, for copying	89 50
To S. T. Fisk, for do	114 00

Several petitions for correction of taxes were received and referred.

The Board adjourned to Thursday next at 4 o'clock.

Theatres and Exhibitions.

BROADWAY THEATRE.—The grand spectacle opera of "Cinderella," which has had a great run, is announced again for this evening. Miss L. Pyne is one of the greatest favorites that ever appeared in New York. The farce of "As Like as Two Peas" will conclude the entertainments of the evening—Davidge, Whiting, and the Misses Gougenheim in the leading parts.

BOWERY THEATRE.—The entertainments which are announced for this evening are such as cannot fail to please the Bowery folks. The drama of "Ireland As It Is," the amusing piece called "The Irish Lion," and the comic drama of the "Happy Man,"—Mr. and Mrs. Charles appearing in the principal characters. A beautiful fairy legend is in preparation.

BURTON'S THEATRE.—This establishment continues in a prosperous career, the performances giving the utmost pleasure to the visiters. To-night Burton has made a good selection. The first is a new piece by an American author, entitled "The Player's Plot"—Burton, Jordan, Fisher, and Miss McCarthy in the leading parts. The favorite piece of "Fashion" concludes all.

WALLACK'S THEATRE.—Blake's benefit comes off this evening, and if ever an actor deserved public support, Mr. B. is entitled to it, as we believe there is not a better comedian in the country. The pieces announced are, Mrs. Mowatt's comedy of "Fashion," and the affecting piece of "The Last Man"—Mr. Blake in his celebrated character of Geoffrey Dale.

AMERICAN MUSEUM.—The drama of "Ambrose Gwinett, or a Sea Side Story," is announced for the afternoon, and in the evening, the tragedy of "Ugolino," with J. R. Scott as Ugolino, and the domestic melo-drama of "Black-Eyed Susan," with J. R. Scott as William and Miss Mestayer as Susan.

METROPOLITAN CIRCUS.—Signorina Charini appears to-night in a scene of Terpsichorian equitation, and Miss Emma Nathans in bold and dashing feats of horsemanship. There will also be various feats of vaulting, tumbling, and the equestrian burletta of Mons. and Mme Dennie.

WOODS MINSTRELS.—A bill of great variety is offered for this evening—negro melodies, instrumental performances, and the burlesque of "Black Blunders."

BUCKLEY'S SERENADERS.—The burlesque of "Lucy of Lammermoor," which has been produced at this favorite resort, is announced again for this evening, is produced in exquisite style—the music of the opera is preserved throughout.

DONALDSON'S OPERA TROUPE are playing at Hope Chapel, and their negro delineations in singing, instrumental pieces and dancing are much admired.

The Grisi and Mario company played "Don Giovanni" to a very small audience at the Boston theatre, on Friday evening last. "Semiramide" was brought out last night.

Mr. Junius Brutus Booth was a passenger for California, on the George Law, yesterday.

A Wholesale Counterfeit Bank Bill Manufactory Broken Up.

[From the Cleveland Plain Dealer, Jan. 23.]

With a praiseworthy determination to unloose the tightness of the times by making money plentier, several good looking young men, and at least one good looking young lady, have associated themselves together without asking the special privileges of a Legislative charter, and have prepared at considerable expense a large amount of pictured promises to pay, duly signed and countersigned, which ruthlessly have been wrested from them by Sheriff Spangler and deputies, and even they arrested and put in "durance vile."

The officers have been some time on the trail of this gang, and yesterday, by means of a Post Office trap, the residence of the chief counterfeiter was found to be in this city, at No. 28 Scoville street. His name is E. J. Somers, alias J. D. Miner. The Sheriff and his party went noiselessly to his residence last night. A gentle tap by one of the party brought a very polite nice little woman to the door, who said Mr. Miner was not in. In the meantime Mr. M. was making his exit out the back way, and was arrested by one of the deputies.

The besieging party then "pitched in" to the house, but found the inner room, containing Mrs. Miner and a Mr. Rosecrants alias Nichols, locked and admittance refused. The order was given to burst open the door, when it was quickly opened by the lady. In the stove was found a roaring fire, all of new bank bills just put in. Rosecrants and the lady were seized, the room searched, and about twenty thousand dollars of prettily printed bank bills, all on Eastern banks, were found ready for circulation, and a whole trunk full ready to be filled out.

On Miner was found a letter from one of the gang, ordering a large amount to be remitted to him, as he was going East via Philadelphia and Baltimore, and could put it off like hot cakes. A list of retail dealers, customers from abroad, who were patronizing this wholesale house in Cleveland, was also found.

The three are in jail, and by aid of the telegraph, no doubt other arrests in other parts of the country are ere this made.

This is a grand haul, and Sheriff Spangler is entitled to much credit for the celerity and neatness with which he has dispatched this job.

AN EARTHQUAKE IN VIRGINIA.—An earthquake was felt in Virginia, on Friday last. At Clarksville, a little before three o'clock A. M., there was a rambling, rattling sound, which resembled somewhat the noise made by a four horse coach in rapid motion, or a wagon with an empty body, running rapidly down a rough hill. Crockery standing on the table was visibly shaken. At Wyliesburg, the houses were shaken, and one gentleman was waked up by the severe jar and noise. Alarmed by the cracking sound of his house, he jumped out of bed considerably frightened, and ran out to see if the house was not on fire at the top. In Prince Edward, we learn, the shock was still greater. In Halifax, it was sufficient to wake persons from sound sleep.

LEGAL INTELLIGENCE.

The Alleged Slave Traffic in 1852.

THE UNITED STATES VS. CAPT. J. FILLETTI ALIAS KRAFT.

UNITED STATES COMMISSIONER'S COURT.

Before Geo. W. Morton, Esq.

FEB. 5.—Eli A. F. Lavellette, examined by the District Attorney, deposed that he was the commander of the squadron on the Coast of Africa in 1852; recollects the case of the schooner Advance; our squadron arrived at the Port au Praya in October, 1852; I found the schooner Advance there on our arrival; the schooner drifted upon a point near her anchorage and the boats in the command of Lieut. Rogers; I think Mr. Walker went to her assistance; it was necessary to take some portion of her cargo out in order to get her off; she was released from her perilous position, and, being much damaged, carpenters were sent from our squadron to repair her; a few days after this Capt. Kraft came on board the United States vessel Germantown and expressed his acknowledgments for the assistance given him; I then conversed with him for more than half an hour, and learned from him that he had been an old trader on the Coast; I asked him several questions as to the currents, winds, &c., and he gave very clear answers; I received from the Collector of Customs, on the 2d November, 1852, a letter at Port au Praya, to which I replied. This is the reply. (Objected to.) Admitted.

The letter is as follows:—

FLAG SHIP GERMANTOWN,
PORT AU PRAYA, Nov. 3, 1852.

SIR—I have received your official communication of the 2d inst., informing me that the American schooner Advance, now in this port, has landed, under suspicious circumstances, a large boiler and fourteen casks done up in bundles, at your Custom House, and that you suppose, from these circumstances, she is intended for the slave trade; also, that you have notified the American Consul to that effect.

I thank you for the information, and will have the necessary steps taken to investigate the matter immediately. I have the honor to be, &c.,

E. A. F. LAVALLETTE.

Witness continued—A joint commission of officers was appointed by the authorities of that place, and myself, to examine the Advance. On the report of that commission I sent the Advance home for trial; I sent the mate of the Advance, and one or two of the crew, home in her; the captain of the vessel and the supercargo had, in the meantime, deserted her; Captain Kraft told me that they had sent a vessel in advance of the schooner Advance, to the coast of Africa; a day or two after this the person called the supercargo of the Advance came on board the Germantown, and said that he understood the Germantown was going down the coast, and asked me to go with us to Cabindo. The Captain of the Advance expressed his fears on shore that I would seize him at the first opportunity, and I should have done so. There was an English vessel then in the harbor which, carried off the Captain of the Advance; I don't remember the time when she sailed; it must have been in November; the Advance proceeded to the United States, and I understood that Capt. Kraft went to St. Vincent, one of the Cape de Verde islands, and from thence to England. The suspicious circumstances against the Advance were that she was abandoned and surrendered to me by the authorities of Port au Praya; my letter of instructions to the officer (John T. Walker), in whose charge I placed the Advance, was dated November 1852.

Q. Do you recognise the Captain of the Advance here? A. In my conversation with the Captain of the Advance, of more than half an hour, I sat opposite to him, as I do now, and I asked him a variety of questions; his height was about that of this gentleman (the accused); he was thinner and paler; I do not remember to have noticed the loss of a tooth, which I see now; I did not discover any blemish in his eye which I see now.

Q. Do you recognise any person present as the captain of the Advance.

A. Impressions are sometimes made by circumstances. If this gentleman (Filletti) had been placed among twenty or thirty men, in a room in this house, and I was asked if any one of them bore a resemblance to the captain of the Advance, I should say this gentleman (Filletti).

The witness was cross-examined particularly as to the identity of the accused. Could not particularize his dress, but thinks it was of a lighter material than it is now.

Raymond Knowles, one of the carpenters of the United States sloop-of-war Germantown, deposed that he saw the Advance on the coast of Africa, from the latter part of October to the 23d or 24th of Nov.; I know the Ballea; I saw her first at Greenpoint. (Objected to.)

Q. What is the build of the Ballea?

A. She is an hermaphrodite brig or a brigantine; I don't know her tonnage; I can't state her length or breadth.

[Here one of the part owners of the Ballea admitted that the vessel was 194 tons.]

Witness continued—Her build is very sharp, and she is well calculated to sail: after she was launched, I saw her between Jackson and Gouverneur streets; she went from there to Brooklyn, remained there about a week, and took in coals in hogsheads; from Brooklyn she went to Jersey City, where she took in lumber; saw her afterwards at pier 7 North river.

Q. Did you see the captain of the Advance on the coast of Africa?

A. I did, sir.

Q. Where did you see him? A. I saw him on board the schooner Advance, then lying at Port au Praya.

Q. Have you seen him since, and if so, where? A. I have; I saw him at Greenpoint.

Q. When? A. In the month of July.

Q. Do you recognize any person in this room as the same person. A. I recognise the prisoner as the Captain of the Advance.

Q. State the circumstances under which you saw him at Greenpoint in July last. A. I was at work on the bark North Sea, and saw this man on the frame of the brig Ballea; he looked to me like a man that I had seen; he was some distance from me; one day, while passing the brig, he gave me a look like the way the Captain did on the schooner Advance; I saw him every day while I worked there, for five or six weeks; I saw him after that at the foot of Jackson street; after that I saw him at a coal yard in Brooklyn; I next saw him in Jersey City, the same brig was lying there; I next saw him in Front street, East river; after that I saw him on board the Ballea in the North river.

Counsel for the accused—You seem to have had nothing else to do but watch him.

District Attorney—I want to show the slavers that they are tracked at every movement, and that I shall use every effort in my power to detect them.

Cross-examined by Mr. Eaton—I am 23 years of age; was born in the State of Maine; I was cooper on board the Germantown.

Q. Do you think your judgment is as good as your officer's.

A. I think it is as good as one half of them; (laughter:) I think my judgment in identifying a man is as good as any of them; I think his dress at Port au Praya was like that he has on now.

The cross-examination as to identity was continued, and the case was further adjourned.

The Ninth Avenue Railroad.

SUPREME COURT—SPECIAL TERM.

Before Hon. Judge Clerke.

FEB. 5.—*Apollos R. Wetmore and others agt. Miner C. Story and others.*—A motion came on in this case for leave to file a supplemental answer, setting up as an additional defence the passage last April of the "Act relative to the construction of railroads in cities," together with the fact that the construction of this railroad had been commenced prior to this law.

Mr. A. J. Willard, in opening, stated that he had entire confidence in the defence contained in the present answer; yet it was desired that a supplement be allowed, to bring them within the third section of this act, viz.:—

SEC. 3. This act shall not be held to prevent the construction, extension, or use of any railroads in any of the cities of this State which have already been constructed in part, but the respective parties and companies by whom such roads have been in part constructed, and their assigns, are hereby authorized to construct, complete, extend and use such roads in and through the streets and avenues designated in the respective grants, licenses, resolutions, or contracts under which the same have been so in part constructed; and to that end the grants, licenses and resolutions aforesaid are hereby confirmed.

It appeared from a certified copy of this law produced, that it passed the Assembly March 29; on April 3d it passed the Senate, and on the 4th was approved by the Governor.

Mr. H. Hilton, for the plaintiffs, read in opposition affidavits showing that ground was first broken in the Ninth avenue, at Fifty-first street, preparatory to laying this railroad, on the 31st of March last, when a trench was dug, about 200 feet in length, sleepers were laid in it, and iron rails placed on them. That on the afternoon of April 3d this trench had not been filled, that this was the only part of the railroad constructed prior to the law in question, and that no description of cars have ever been used upon these rails.

Ex-Chief Justice Beardsley followed, arguing that when this law was passed no resolution or grant had ever been made by the Corporation authorizing this railroad. That the grant under which the defendants claim was first passed by the Assistant Aldermen, December 20, 1852; that on January 1st following, these Assistant Aldermen went out of office and a new board came in. That on January 5th the Board of Aldermen passed it; on January 12th the Mayor vetoed it; on November 11th the same Board of Aldermen again passed it, over the veto, and on December 28th, another and different Board of Assistant Aldermen concurred. This was claimed to be illegal, and contrary to the city charter, which was said to be similar in respect to the manner of legislation under it to the constitution of this State and the United States. That it was unheard of for a bill to pass the Assembly, and the next year after the members of that body had gone out of office, for it to be taken up and passed by the Senate. Surely no one would question such a proceeding being entirely void. Further, that the resolution passed in 1852, and vetoed, was entirely different from the one passed in December, 1853, because the first required the construction of the road to be commenced prior to May 1, 1853, and the last required it to be commenced prior to May 1, 1854. That thus it was an entirely void act of the two boards, which had never been submitted to the Mayor for his approval. In any aspect, this law could not help the defence, and they should not be allowed to set it up, inasmuch as their proceedings to bring themselves within it was a fraud upon the law. It was absurd to say that digging a ditch 200 feet long, and throwing into it some timbers with rails upon them, was "a railroad in part constructed" within the meaning of this third section. There could be no ground for pretence that this act did more than to say to those companies who had gone on in the construction of their road under a valid grant, that they might go on and complete their work, without being subject to the provisions of the first two sections of this law, requiring the consent of the owners of the streets.

Mr. John Van Buren continued on the same side, and contended that in this case the law should not subject the parties to litigate questions which had been so definitively settled by the courts in the case of the Broadway Railroad; that here was a void grant sought to be confirmed by an act of the Legislature; and he insisted that if there was any such confirmation it was in itself void. He reviewed the proceedings of the Common Council in passing this resolution, and contended that it had never gone through the requisites to make it a valid act. That in addition to this, had it received proper legislative action, it was in direct violation of the seventh section of the amended charter of 1853, which required all grants of franchises to be put up for sale at auction, and was therefore void. That all legislative grants were to be construed by a reverse rule to that prevailing in the construction of grants of individuals, as every intendment must be construed in favor of the sovereign power. But under no rule of construction could this law of last April be turned into an original grant. Its evident intent was to provide that thereafter no railroad in a city should be constructed without the consent of a majority of owners upon the street in which it should be laid; and that then no grant should be made but to those who would give security and carry passengers at the lowest fare; that the third section was but a proviso, preventing the application of the previous sections to roads constructed and in operation under previous valid laws and grants. It was absurd to say that it is an original grant of a right to construct a railroad where no previous valid and legal right existed. The constitution itself prohibited such a construction of it, as that required such things to be done by general laws.

Mr. Charles O'Conor replied for the defendants, saying that on a motion for leave to file a supplemental answer, he did not come prepared to argue the whole questions of law involved in this cause, as he supposed it to be the duty of the court, in all cases, to permit such an answer where it was sworn to, and appears to set up new matter. It was not necessary for the court to see more than that the question presented was a fair one for litigation; and he denied any obligation to go into an extended answer to the numerous objections of the opposing counsel. He stated that the Common Council frequently passed resolutions in the same manner as this one, and he saw no evil in it—that the charter did not prohibit it; that it was not a grant of a franchise, but was a valid exercise of a power possessed by the corporation over the streets of this city; that to call it a franchise would be to say that every hack driver and cartman in the city possessed a franchise; that although the construction of this road was commenced after this law had passed the Assembly, and before it passed the Senate, yet there was nothing at all improper in so doing. He answered the opposing arguments at some length, and claimed, as a matter of right, that this motion should be granted.

Decision reserved.

Court of General Sessions.

JUDGE STUART'S CHARGE TO THE GRAND JURY.

FEB. 5.—At the opening of the court this morning, the following gentlemen were sworn in as grand jurors:—

James Harper, Foreman.

Alexander Annin,	Freeman Derby,
Thomas M. Adriance,	Charles Fowler,
James Alexander,	James Hunter,
Louis Anrich,	Benjamin F. Lee,
Theodore Beach,	William P. Miller,
John C. Chamberlain,	James Marsh,
Mack Cornell,	Edward Nelson,

Edmund M. Young.

Judge Stuart then proceeded to charge the Grand Jury. He said:—Gentlemen of the Grand Jury—The oath just administered by the Clerk of this Court, while it qualifies you for the discharge of high and important public trusts, also declares in simple but exact terms the duties you have sworn to perform. No charge by any Court can be more instructive, complete, or comprehensive of your general powers as grand jurors, and of the common duties incumbent upon you, than is expressed and prescribed by the direct and forcible language that composes your oath of office and of duty. Your action, gentlemen, touching those of whom crime may be imputed, will be of the most important and solemn concern to the public. The execution of the laws for the preservation of public order, the protection of property and person, and the security of human life, depends, in a great degree, upon the faithful manner and fearless integrity with which you shall present offenders. An escape of the guilty is an injury to the innocent not only, but, if at the hands of those having the power and proof necessary to his indictment or conviction, is an offence against the State. It will be your care, gentlemen, to investigate thoroughly each and every complaint that comes before you, to find out, each juror for himself, under the law and upon the proof in the case, the guilt or innocence of every person who may be charged or suspected of crime at your bar. But of this, gentlemen, I ask your special observance: do not indict or present any one, citizen or stranger—whether of good reputation or ill—unless his guilt, upon the *ex parte* testimony before you, is so manifest as that, if upon a trial jury, you would, upon the same evidence, without relief or counter proof, convict him of the offence charged. This, however at variance with instructions usually given to grand juries by Judges of criminal courts, is, I confidently submit, not only a sound and correct rule for general practice, but wise and important to ends of public justice, since it will greatly conduce to a firm, certain, and uniform practice in the administration of the criminal law; and, more than all, it is safest for the citizen, as it is protective of his rights, character and liberty. The administration of the duties of your office, gentlemen, though of the highest possible concern to the public, and of deepest interest to those whose acts become the subject of your investigation, is, withal, performed in secret—an element in an institution for public justice more in consonance with the spirit of the age and government in which it had its origin than in harmony with the sentiment and policy of our time and people. Neither the public, in whose name and for whose benefit criminal accusations are made, nor the accused, for the determination of whose guilt or innocence you are convened, is permitted to hear or see aught you say or do. Not only are you guarded in secrecy by the officers of law and the recesses of your chamber, made inaccessible by closed doors, but yourselves are sworn to silence in respect to the transactions of your body—proceedings that lie at the very base of the public justice of the country on one hand, and affect the property, life and liberty of your fellow-citizens on the other; all this not only; but, acting within the pale of your office, you are not accountable for the wrong you may commit towards the people nor the injury you may inflict upon the citizen, to any human law or earthly tribunal. The oath you have taken relates your accountability for a wise and just discharge of your duties alone to your God. By this, gentlemen, you will see that all on the part of public justice is entrusted to your fealty to public good, and all on the part of the individual citizen charged with crime to your fidelity to a citizen's rights; if innocent, to the protection of his innocence, and, if guilty, still to the lawful accusation of the offence complained of. Your office, gentlemen, is one of great responsibility and equal delicacy. You are licensed to inquire fully into every case that comes to you for consideration, to examine thoroughly every witness, especially the one moving the complaint, and learn not only what he would willingly disclose, but all he knows relative to the matter of which he would testify; see if there is any personal interest or private malice, or any motive or object other than the ends of public justice to be effected or attained by the procurement of an indictment; and if so, let your caution be equal with his purpose, lest by possibility the fair fame and well-earned reputation of a just man be blasted by a breath, and his character for after life unjustly wounded by an indictment without remedy or relief. I have said this much, gentlemen, with reference mostly to such matters and cases as have their origin for criminal prosecution upon *ex parte* testimony alone with the grand jury, with no previous inquiry in the presence of the accused, before any of the criminal magistrates of the city. A large amount of your labor, however, will be confined to the criminal accusations given to your charge by the district attorney from the several police courts. These cases, as a general thing, will evince an investigation by the police justices sufficiently thorough, in some instances, to establish absolute guilt; and in others, a belief of probable guilt. You may presume upon the judgment of these magistrates as against the innocence of the accused, but in no case to the extent that will preclude the necessity of an examination of the same witnesses already inquired of at the police courts. Let the order of your business, gentlemen, be the disposition, first, of all cases where the accused parties are in actual confinement, following with those where the defendants are upon bail, and afterwards such matters and things as time will allow and the public interest demands. Touching malfeasance in public office, it is your privilege not only, but your duty, to institute an examination into any alleged misbehavior of those in public trust. High places and important positions of honor and power in office must be no bar to as fearless and faithful an inquiry into the malpractices of the office as though the complaint was against the lowest and most unimportant public servant in the city; and while it is your duty to present all offences of commission perpetrated, and all offences of omission practised in public office, without fear, favor or partiality, it is equally certain that you ought not, at the conclusion of your term of service, make a general and sweeping presentment of misbehavior in the administration of the duties of some particular department of the city government, criminative alike of the faithful and unfaithful officer—charging no particular one with a specific offence, nor excepting any from implied accusation. Such a course impairs the confidence of the public in all those in public places, and deeply wrongs many among those in office who are as honest and of equal integrity with the best of any class of their fellow citizens. No, gentlemen, the right way is to present particular offences in their true character, and particular offenders by their true names, that the wrong may be remedied and the wrongdoers punished. It is of public report, gentlemen, that there has of late been a number of criminal offences, mostly of the character of embezzlements, perpetrated upon several of the corporate and monetary institutions of the city by their officers and agents, of which, if true, but a comparatively small number have been brought within the cognizance of the law. If the cause of this has been a desire to conceal or compound these offences, conditioned upon the return of the stolen property, I will, for your information and the advice of parties to such transactions, read a statute of criminal law touching this subject, to the end that presidents and directors of such institutions as negotiate the crimes of their agents, servants and clerks, in exchange for the funds they have stolen, may hereafter govern themselves accordingly.

"Every person having a knowledge of the actual commission of any offence punishable by imprisonment in a State prison for any other term than for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in a State prison not exceeding three years, or in a county jail not exceeding six months."

Those among you, gentlemen, who have observed the course of criminal justice in this city, must have seen how swiftly the low-born and ill-bred offender—reared without moral culture to early crime—is brought to the bar of this court, and upon a trial more notable for speed than ceremony, consigned to a felon's cell, while more skilful villains of better birth and higher social position are indeed seldom made to answer to the penalties which substantial justice demands should be pronounced for their conduct. The fellow who with force takes from your person the most valueless thing in your pocket, may, in a few days or weeks at most, be found in the State Prison, enduring a sentence for a period of not less than ten years, and it may be for a term equal with his natural life; while the more considerate scoundrel, with an intent no less criminal, and differing only from the robber in the exercise of treachery and the absence of courage, by some studied artifice or skilful device, defrauds you in a day of all the hard earned property of your life, goes unwhipped of justice. Rely upon it, gentlemen, that in a country like ours, if one class of wrongdoers who are as offensive to the interest of the public and the rights of the citizen as another, is not in like manner and with the same certainty made liable to punishment, a day will come when those who have most concern for life and most regard for property will be made to suffer consequences serious indeed. If you ask how it is that this difference exists prejudicial to the character and dignity of even and exact justice, and so calculated to impair the respect and lessen the confidence of the people in the laws which purport to be sufficient for their security and protection—I answer that the evil lies mostly in the insufficiency of the criminal statute laws of our State. Many of them, and especially of those relating to this city, were enacted, if not for another meridian, still for other times and a different community than that of the present day in New York, and would be obsolete from nonuse, were it not that in the absence of laws more wise and applicable, courts and magistrates are compelled to strain them over to uses greatly beyond the purposes of their original creation, while the more important general statutes of the State, although revised pursuant to an act of 1830 for that purpose, are nevertheless most loose and unstudied in their composition, unwise in their classification of crime, and unjust in the penalties affixed; but, above all, they are greatly deficient of provisions against wrongs and gross iniquities so offensive to the moral justice of our people, and so detrimental to the policy of the State, as to demand immediate attention for the common good. These, with the numerous ill-digested acts from year to year since that time passed—some of which might very well have been prepared by the very offenders whose crimes the public suppose them sufficient to punish—comprise the body of criminal statute law of this State, which, as a whole, is so conflicting, insufficient, uncertain and incomplete, for the sure and efficient redress of all public offences, as to make it important that the present Legislature should create a commission of qualified criminal jurists, thoroughly to revise the entire statutes of the State against crime, and prepare a code of criminal procedure clearly certain, and amply sufficient for all the ends of public justice. It is with this view I solicit your attention to the subject, and hope you will make it a matter of consideration. It is my duty specially to charge you to inquire into all violations of the law against the sale of lottery tickets; also into all violations of the laws in respect to elections. You will present all infractions of the act relating to interest on the forbearance of money; also all persons in public office who shall demand or receive fees to which they are not entitled. I submit to you the propriety, gentlemen, of confining such action in respect to crime as originates with yourselves (with no previous complaint before an examining magistrate) solely to those offences that more immediately affect an entire community, rather than a single individual—such (without particularizing) as offend public morals, prejudice public health, impair public virtue, endanger public order, or in any other way outrage public propriety. You will find, gentlemen, that the great amount of business initiated before the criminal magistrates of the city, and presented for your consideration, will preclude the possibility of your giving much attention to any other class of offences than those I have described. Besides, gentlemen, it is my conviction—and I am free to express it—that in cases of alleged individual wrong doing, such as charges for larceny, forgery, false pretences, and all other (except capital) felonies, with every kind of misdemeanor, where the accused may be arrested upon a warrant by any of the criminal magistrates of the city, the complainant should not originate his proceeding before a grand jury, but be required to pursue the course the statute has in such case provided. Let him go first before one of the police justices of our city—a class of public officers with extraordinary powers specially created for this very service, and who, it is to be presumed, are of intelligence, integrity, and judgment equal to the importance of their place and duty. If sufficient cause exists the accused may be apprehended—and it is only when arrested in this way that the defendant is afforded an opportunity to exercise the right, so essential to the innocent and due to all, of examining the complainant and his witnesses, and of producing evidence in his own behalf. If it appears to the magistrate from all the testimony in the case that an offence has been committed, and that the accused is probably the offender, the prisoner is bound to appear at this court, and the accusation with all the accompanying papers and proofs certified to you; and it is here, gentlemen, that your powers and functions obtain and interpose, not to originate criminal prosecutions, but to review the action and judgment of primary magistrates, and out of your superior wisdom to determine whether the party charged ought in truth and in justice to be placed at the bar of a criminal court to the hazard of his liberty, or perhaps the peril of his life. It is this high prerogative and important power that renders your institution of so much interest and concern to the public—so important for good when composed of good men; so fearful for evil when otherwise constituted. By any other general course of proceeding than this a grand jury becomes what you and I, gentlemen, know to be most repugnant to the American people—a secret inquisitorial conclave of criminal accusers, touching the lives and liberties of others, who nothing know of their silent and hidden proceedings until placed in the felon's dock of a criminal court for trial, with no means of knowing of what they are accused, except that, among the Latin terms and legal phrases employed in the useless subtleties of an indictment, may be found some peculiar technical formula expressing the legal definition of an offence, with no certainty of time when the crime charged is alleged to have been committed, except that it was a day (any day) within three years next preceding; nor any information as to where it was done, save that it was perpetrated in the same county in which the indictment was found. No, gentlemen, the spirit of the time and public sentiment, not more than a fair and impartial administration of justice between man and his fellow, imperiously demands that you shall be and remain a pure and powerful umpire for truth and the right as between accuser and accused, in all cases, for the administration of the criminal law that may be presented to you by the responsible public authorities of the city. All indictments found by you must be endorsed by your Foreman as true bills, and by him in your presence presented in open court, by which they become public records forever. It is the instruction of the court that you will endorse the names and residences of all witnesses examined by you, upon the indictment, in the case of every bill you find to the end that the accused whose life or liberty is involved may immediately know upon whose testimony it is that he is to be placed at the criminal bar, and upon whose evidence it is proposed to consign him to a felon's prison, perhaps a felon's death. I know this is not the present practice in this State, and that the contrary to this instruction has been most carefully observed in this city, as well in the Oyer and Terminer upon indictments for capital offences, as in the General Sessions in all other cases. It is, however, as well the opinion of the present learned District Attorney, (I am allowed to say,) as it is the sense of this court, that the ends of public justice do not require that the men and means by which a party is to be prosecuted for a criminal offence should, after indictment, be concealed from the defendant until the hour of his trial, and then suddenly spring upon him to his utter confusion and overthrow, with no time or opportunity to contradict perjured testimony or impeach the character of false witnesses, nor to dispel or explain criminating or mysterious circumstances. Next in importance to the prisoner knowing what the charge is, comes the importance of knowing who makes it. Of so much justice to the defendant is this held to be in England, that upon crimes of the greatest possible importance, it is within the discretion of the court to allow the Crown to place witnesses upon the stand, who had been examined by the Grand Jury, unless their names were endorsed upon the indictment. This rule is so fair and just to those indicted for criminal offences that it ought to obtain in this court. Not more than twenty-three nor less than sixteen persons constitute a grand inquest; a concurrence of twelve is necessary to the finding of a bill of indictment. The foreman of your body is authorized to administer oaths and affirmations to witnesses appearing before you. Either of your number may act as clerk. It will be a misdemeanor, gentlemen, to disclose the finding of an indictment against any person not in confinement or under bail. It is your right to require the presence and counsel of the District Attorney, but not more than it is his privilege to appear and advise you in respect to all matters that may come for your action during this present service. You will now, gentlemen, be conducted to the Grand Jury chamber by your officers.

The following is the calender of prison cases for the present term:—

Murder	1
Assault, with intent to kill	5
Robbery	2
Assault, with intent to rob	2
Assault, with intent to rape	1
Burglary	14
Forgery	4
Embezzlement	1
Grand larceny	23
False pretences	2
Seduction	1
Keeping disorderly house	1
Total	57

Court of Common Pleas—General Term.

Before a full Bench.

DECISIONS—IMPORTANT TO TENANTS.

Easter vs. Woodhouse.—WOODRUFF, J.—In an action on the case against the owner of a house and lot for injury to the adjoining house, where it appeared that the injury complained of resulted from the want of proper repairs to the leader and gutter upon the defendant's premises, and also that those premises are in the occupation of the defendant's tenants, held that upon this proof alone the rule presumptively applied that the tenant is bound to repair; and therefore the defendant (the landlord) is not liable for an injury to the adjoining premises arising from the neglect of the tenant to make such repairs.

OBSTRUCTING THE HIGHWAY.

Clark vs. Kirwan.—WOODRUFF, J.—When a defendant, who is examined by the plaintiff in an action for obstructing the highway with building materials, testifies explicitly that the materials had been delivered to him, and that they were placed by the person from whom he purchased them in the very place where he (the defendant) directed the vender to place them, evidence that by the contract of purchase the vendor was to deliver them at another place, is irrelevant and immaterial, and its rejection furnishes no ground for a reversal of the judgment. Although an obstruction is wrongfully placed in the highway, yet one who sees, or could, by ordinary care and prudence, see and avoid it, cannot recover for an injury sustained by him on encountering such obstruction, when he voluntarily, or through the want of such care, drives against it, or places himself in needless peril. But passers in the night season, or at dark, cannot be deemed to have the same means of discovering and avoiding the danger as daylight would afford. Where the defendant in such case is grossly in fault for creating or leaving the obstruction, he should, if he would protect himself on the ground of negligence in the plaintiff, make the proof of such negligence very clear.

Rourke vs. Story.—INGRAHAM, F. J.—Where a receipt purports to be in full, and it appears that it was obtained by refusing to pay the creditor anything except on condition of his giving such receipt, and his circumstances were such as to compel him to yield to such demand, the receipt was not conclusive against a claim for the residue.

Employment by an agent is binding on the principal, although such agent was directed to make such contracts only in writing.

Logue vs. Link.—INGRAHAM, F J.—The admissions of a wife, in regard to an injury to the plaintiff's child by a dog belonging to her husband, are not evidence in an action against him for damages therefor. Whether a party is liable to a person who is bitten by his dog, if such dog is chained, and the party injured has knowledge thereof, query.

Philpot Bell agt. Newton & Drew.—INGRAHAM, F. J.—Silver ware cannot be recovered for from a common carrier, when carried in a trunk as baggage.

Where it appears that the assignor of a claim received for it a small sum of money, which she immediately returned to him as a loan, without taking any evidence of indebtedness, and upon the understanding that if there was a recovery she should receive the benefit of it, held that the action was for her immediate benefit, and that such assignee could could not be a witness.

Marine Court.

Before Hon. Judge McCarthy.

IMPORTANT TO BUTCHERS AND DROVERS.

FEB. 5.—*George A. Toffey vs. John Brogan, Robert Ackles and Daniel Roberts.*—This action was brought to recover the sum of $290, the value of four head of cattle sold to defendants, under the name and style of Ackles, Roberts & Co., in December last. The defendants resist the payment of the claim, and deny that any partnership existed between defendants, at least that the purchase of the cattle, for which this suit is brought, was an individual transaction of the defendant Brogan. It appeared in evidence that the defendant Brogan was in the habit of purchasing cattle at the Bull's Head, Washington drove yard and other places, and paying for the same with checks of Ackles, Roberts & Co., drawn by Brogan. On the part of the defence it was alleged that the firm of "Ackles, Roberts & Co.," although consisting of the three defendants, were engaged only in selling beef on commission in Washington Market. That "Arkles and Roberts" were also engaged in the poultry and fruit business, on their own account, and that the defendant Brogan was engaged on his own account in buying and slaughtering cattle and selling the same at a shop of his own, the other two defendants having no interest therein. The Court held that the fact of the three defendants composing the firm of Ackle, Roberts & Co., and being engaged in selling meat at Washington Market, and the further fact of Brogan buying cattle and paying for the same with the firm checks, it was sufficient to hold them to the public, who dealt with them, whatever their private management might be. Judgment for plaintiff against all defendants, for $290 and costs.

Superior Court—Special Term.

Before Hon. Judge Hoffman.

FEB. 5.—*Gibbs v. Gibbs.*—This was an appeal from a verdict in a divorce suit, rendered last term. The Judge sustained the verdict of the jury in granting the divorce.

The Female Liquor Riot in Ohio.

[From the Cincinnati Gazette, Feb. 2.]

A day or two since we gave the particulars of a liquor riot in the town of Mount Pleasant, Springfield township, in this county, and yesterday we stated that the parties had been arrested by Deputy Marshal Gray. We have before given the origin of the riot as far as it came to our knowledge, but have since received the following from a correspondent, who minutely and graphically gives a description of the whole history of the difficulty, in narrative style, as follows:—

The monotony of our usually quiet little town was disturbed on Monday morning by an incident which has had many precedents within a few years. It seems that a Mr. Patterson, of Covington, recently rented the premises in this place, and the house was notorious as one of the lowest sinks of drunkenness and dissipation. Fathers and brothers, too, with saddened hearts, sought among the riotous bachanals of this house for loved kindred who had been seduced by the voice of the syren, whose beardless yet bloated faces told how young in years, yet old in sin. Remonstrance, as before observed, having failed, the people determined the nuisance should be abated—peaceably if they could, forcibly if they must. A public meeting was called, and most numerously attended. But one feeling was manifest—"Down with the traffic in alcohol, this town shall be purged of the curse." Through a committee, specially appointed for the purpose, an earnest appeal to desist from the further prosecution of the nefarious traffic was treated with scorn and defiance. Several prosecutions were then commenced, and the work was soon complete; not a drop of liquor could be openly obtained in the town, and the proprietor of the house before alluded to closed his doors, and moved away. His son then undertook it, but short work was made of him, and he, too, gave up in despair. The people now began to congratulate themselves that the work was finished, the enemy slain, and captives free. Old soakers signed the pledge, made temperance speeches, and others began to grow thin and whiten out. But the work was not yet accomplished. A valiant man, as before stated, hired the premises for a term of years, and with a full knowledge of all that had transpired—of the state of public opinion on the subject—of the determination of almost the entire people that the traffic should never be resumed in this village, and also in open defiance of repeated remonstrance, and with a full knowledge of the late decision of the supreme tribunal of the State, on Saturday last sent to town a wagon load of liquid poison, labelled gin, rum, brandy, whiskey, &c. As he had not yet moved into the house he intended to occupy, for better security the liquor was deposited in a barber's shop, and put under lock and key. But where is the lock strong enough to stand between an enraged people and their deadly foe? On Monday morning, certain suspicious movements were discovered among the women, and soon a small but determined band of the most respectable ladies of the village were seen marching silently, but firmly, in the direction of the aforesaid barber shop. A careful observer might have seen in the hand of one an axe, in another a hatchet, and a third a hammer, &c. The shop was reached and at the word "open sessame," the door flew open; a keg was seized by a strong pair of feminine arms and hurled into the street; a few well-directed blows from the same arms, and mother earth at one swoop drank the burning contents. More hands were busy within, and a dark purplish stream was seen escaping from the building, running over and staining the purity of the snow. One lady had toiled away upon the staves of a keg until her strength was well nigh exhausted, without making much impression, until a little fellow who stood by enjoying the fun, understanding better where the weakness of the monster lay, ran up and turned it on end, when a few blows on the head laid it low, and the cask gave forth "an empty sound." A few of the friends of the destroyer stood by, and at one time essayed resistance, but many stood around, determined to see fair play, and kept the ring clear of all vexatious intruders. The work of destruction accomplished, and the avengers, encouraged by three cheers from the crowd, quietly retired.

Mr. Laboytaux, the person having in charge the liquor, made a complaint in the Police Court, charging Patrick Killon, Barney Hole, B. P. Donn, Oliver McCay, A. A. Baird, Benjamin Little, Peter Laboytaux, and H. C. Gorman, with riot, by assembling together to do an unlawful act, and a warrant was issued for their arrest, with subpoenas for the lady participants in the riot, and many of the citizens of the village who were spectators of the scene. The arrest was accomplished on Wednesday evening, and the parties held to bail for their appearance on Thursday morning. Early yesterday morning the citizens of Mount Pleasant, almost *en masse*, male and female, were in the city long before the opening of the court, and were assigned rooms in the city buildings until their case was called, which would be after the disposition of the watchhouse cases. At 10 o'clock the case was called, and in a few minutes every available position was crowded to its utmost capacity.

All the defendants except Mr. Laboytaux responded to their names, Mr. L. being unable to attend, on account of the serious illness of his wife. The females present were intelligent and good looking in appearance, as if they were the wives of substantial burghers. A. J. Pruden, Esq., appeared for the defendants, and Thomas A. Logan, prosecuting attorney, for the State. After the call of the witnesses, about sixty in number, Mr. Pruden made a motion that the defendants be discharged for want of jurisdiction, as the misdemeanor said to have been committed was not within the city limits of Cincinnati, or one mile, &c., as laid down in section sixteen of the city charter, but in Springfield township. He claimed that the court had no more to do with the case than if it had occurred in the State of Kentucky. If the Police Court has no jurisdiction, what Court can the parties be recognized to? No; the Court of Common Pleas, for they have no jurisdiction in these cases—nor the Probate Court, for they cannot take cognizance of criminal cases in this county. He asked for their discharge.

The Court stated that the trouble was a conflict of criminal jurisdiction. Although the police court has full power to examine into the case as an examining court, yet the Legislature had, by the act abolishing the criminal court, caused a vacuum which the great men at Columbus had neglected to fill. They, in their anxiety to hit somebody, first at the police court, and failing, had hit Judge Flinn (he being probably a larger body), and in so doing had forgotten to provide a substitute, whereby minor offences outside the jurisdiction of the probate and common pleas courts could be tried. First, the police court is clothed with the same powers as magistrates in the county—it sits as an examining court, and has final jurisdiction only within the city limits. The criminal courts in this county are so organized that this case cannot be brought to final trial. Under this state of affairs, rogues can run at large through the county, and honest men, like the present defendants, engaged in an unlawful act, might proceed with impunity. They cannot be brought to trial until there is some amendment to our criminal code. The court then read the law defining the duties of the probate judge, who they claimed had no jurisdiction in minor criminal offences, nor had the common pleas the jurisdiction.

The defendants were discharged.

Here the friends of the defendants, male and female, gave them a hearty shake by the hand, and congratulated them on the result. One female was heard to say "If they bring any more liquor to our town, we will serve them and it in a like manner."

A SHOOTING CASE AT POUGHKEEPSIE.—A serious and nearly fatal affray occurred last Friday night at Poughkeepsie. It appears that there was a dramatic entertainment given at the City Hall on Friday night. About half-past eight o'clock, W. Houstram and three or four other persons came into the room a little intoxicated. Houstram commenced making a disturbance, when Mr. Winslow, the City Marshal, went up to him for the purpose of ejecting him from the room. Houstram called him names, and struck him, and followed him backwards to the wall. Houstram then raised his hand to strike Winslow, when the latter drew a pistol from his pocket, and levelled it at Houstram's head and fired. The ball just grazed his cheek. Winslow shot again, when a woman, who was standing near ...